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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,557	06/26/2003	Xizeng Shi	2818P	5268
7590	11/15/2005		EXAMINER	
SAWYER LAW GROUP LLP			SMITH, BRADLEY	
P.O. Box 51418			ART UNIT	PAPER NUMBER
Palo Alto, CA 94303			2891	

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	<i>[Signature]</i>
	10/606,557	SHI, XIZENG	
	Examiner	Art Unit	
	Bradley K. Smith	2891	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 September 2005.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-35 is/are pending in the application.
  - 4a) Of the above claim(s) 19-35 is/are withdrawn from consideration.
- 5) Claim(s) 3-17 is/are allowed.
- 6) Claim(s) 1,2 and 18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 June 2003 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input checked="" type="checkbox"/> Other: <u>search notes</u> .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 2, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsang (US 2004/0179395). With regards to claims 1 and 18, Tsang disclose disclose a magnetic memory element having a top portion and a bottom portion. the macnetic memory element being a magnetoresistive element including a pinned layer, a free layer, and a nonmagnetic layer between the pinned layer and the free layer; a first write line below the magnetic memory element, the first write line being electrically connected with the bottom portion of the magnetic memory element, a second write line above the magnetic memory element, the second write line being electrically isolated from the magnetic memory element and oriented at an angle to the first write line (figure 2). With regards to claim 2 the angle is ninety degrees (figure 2).

### ***Allowable Subject Matter***

2. Claims 3-17 are allowed.

1. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record neither teaches nor suggests the a selection device residing below magnetic memory element and the electrically connected to the top portion of the magnetic memory element (claims 3-7), wherein the second mite line further includes a central portion and an edge region, the edge region including not facing the magnetic memory element, the edge region including a ferromagnetic cladding layer, thereby concentrating a magnetic field proximate to the magnetic memory element (claims 8 and 9), the first write line includes a core of soft magnetic material (claims 10 and 11), wherein the first write line is a multilayer structure including at least one nonmagnetic layer and at least one soft magnetic layer adjacent to the at least one nonmagnetic layer (claims 12 and 13), wherein the first write line is a multilayer structure including at least one nonmagnetic layer and at least one soft magnetic layer adjacent to the at least one nonmagnetic layer (claim 14) a conductive stud having a lateral geometry, the stud for electrically connecting the magnetic element and the selection device and residing between the magnetic memory element and the selection device; and wherein the magnetic memory element is formed outside a region delineated by the lateral geometry of the stud (claim 15) a conductive stud having a lateral geometry, the stud for electrically connecting the magnetic element and the selection device and residing between the magnetic memory element and the selection device, and wherein the magnetic memory element is formed partially within a region delineated by the lateral geometry of the stud (claim 16), wherein the first write line includes at least one layer of ferromagnetic material; and wherein the magnetic element

is a magnetic tunneling junction device including a pinned layer, a portion of the at least one layer of the first write line functioning as the pinned layer (claim 17).

***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 2 and 18 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

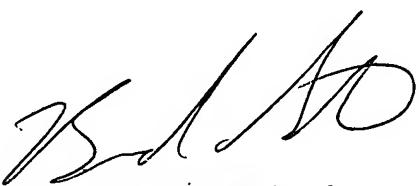
3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley K. Smith whose telephone number is (571) 272-1884. The examiner can normally be reached on 10-6 Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Baumeister can be reached on (571) 272-1722. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**BRADLEY K. SMITH**  
**PRIMARY EXAMINER**

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	26	shi-xizeng.in.	US_PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/11/10 16:32
S2	1948	mram and tunnel\$3	US_PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2004/10/17 20:44
S3	1195	mram and tunnel\$3 and ferromagnetic	US_PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2004/10/17 20:44
S4	76	mram and tunnel\$3 and ferromagnetic and clad\$4	US_PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2004/10/17 20:44
S5	713	mram and tunnel\$3 and ferromagnetic and pin\$3	US_PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2004/10/17 20:45
S6	67	mram and tunnel\$3 and ferromagnetic and clad\$4 and pin\$3	US_PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2004/10/17 20:45
S7	1415	(438/3).CCLS.	US_PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2004/10/17 21:08
S8	45	mram and tunnel\$3 and ferromagnetic with clad\$4	US_PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/09/17 09:49
S9	42	mram and tunnel\$3 and ferromagnetic with clad\$4 and pin\$3	US_PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2004/10/17 20:45

S10	13	mram and tunnel\$3 and ferromagnetic with clad\$4 and pin\$3 and soft adj magnetic	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2004/10/07 01:23
S11	1361	(257/295).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2005/11/10 16:32
S12	1148	(257/288).CCLS.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2005/11/10 16:32
S13	2	("6531371").PN.	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2005/05/20 16:31
S14	32	"6531371"	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/05/20 16:31
S15	309	mram and pinned and free and nonmagnetic	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/09/17 09:49
S16	59	mram same pinned same free same nonmagnetic	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2005/09/17 09:49